

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Othoridge Road, 140 ft. E of 1/1 of Purdy Court
16 Othoridge Road
8th Election District
4th Councilmanic District
Douglas E. Strickland, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-240-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 400.1 and 429.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory satellite receiving dish in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support of the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of February, 1993 that the Petition for a Zoning Variance from Sections 400.1 and 429.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory satellite receiving dish in the side yard, in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, be is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 24, 1993

Mr. and Mrs. Douglas E. Strickland
16 Othoridge Road
Lutherville, Maryland 21093

RE: Petition for Administrative Variance
Case No. 93-240-A
16 Othoridge Road

Dear Mr. and Mrs. Strickland:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 16 Othoridge Rd
which is presently zoned D.R. 55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 + 429.2 to allow an accessory satellite receiving dish in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Our property is lower than our neighbors + reception is blocked by our neighbors house.
2. Further back we are surrounded by our neighbors trees + sheds which also block reception.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leasee
Type or Print Name
Signature
Address
City State Zipcode
Attorney for Petitioner
Type or Print Name
Signature
Address Phone No. Zipcode
Name Address and phone number of legal owner. Contract purchaser or representative to be contacted.

Legal Owner(s)
Type or Print Name
Signature
Address Phone No. Zipcode

Very truly yours,
Douglas E. Strickland
Douglas E. Strickland
Type or Print Name
Signature
Address Phone No. Zipcode

Very truly yours,
Mary A. Strickland
Mary A. Strickland
Type or Print Name
Signature
Address Phone No. Zipcode

Very truly yours,
Mary G. Strickland
Mary G. Strickland
Type or Print Name
Signature
Address Phone No. Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of February, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: LG DATE: 1-19-93
ESTIMATED POSTING DATE: 2/7/93
ITEM #: 247

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 16 Othoridge Rd
Lutherville Md 21093

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

1. Our property is lower than our neighbors + reception is blocked by our neighbors house.
2. Further back we are surrounded by our neighbors trees + sheds

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.
Douglas E. Strickland
Douglas E. Strickland
Type or Print Name
Signature
Address Phone No. Zipcode

Mary A. Strickland
Mary A. Strickland
Type or Print Name
Signature
Address Phone No. Zipcode

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 19th day of JANUARY, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Douglas and Mary Strickland

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
01/14/93
Notary Public
My Commission Expires: 03/19/95

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 16 OTHORIDGE RD
(address)

Beginning at a point on the North side of (name of street) which is 50' (number of feet of right-of-way width) street on which property fronts) wide at the distance of 140' East of the centerline of the nearest improved intersecting street Purdy Ct (name of street) which is 50' wide. (number of feet of right-of-way width) Being Lot # 1. (name of subdivision)

Block 1, Section 1, in the subdivision of (name of subdivision) as recorded in Baltimore County Plat Book 1, Folio 1, containing 20,000 sq. ft. or .46 acres. Also known as (property address) (square feet or acres) and located in the 8th Election District, 4th Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 1, Folio 1" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.
Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.
* N 26° 50' W, 200'
N 63° 10' W, 100'
S 26° 50' E, 200'
S 63° 10' W, 100' to the place of beginning

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th Date of Posting 2/7/93
Posted for: Variance
Petitioner: Douglas & Mary Strickland
Location of property: 16 Othoridge Rd, Towson, Md
Location of Sign: 16 Othoridge Rd, Towson, Md
Remarks:
Posted by: M. Schmidt Date of return: 2/7/93
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6190
Number

1/15/93
PUBLIC HEARING FEE'S
010 - ZONING VARIANCE FEE
080 - POSTING SIGN
LAST NAME OF OWNER: STRICKLAND

Please Make Checks Payable To: Baltimore County
\$85.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

February 9, 1993

(410) 887-3353

Mr. and Mrs. Douglas E. Strickland
16 Othoridge Road
Lutherville, MD 21093

RE: Case No. 93-240-A, Item No. 247
Petitioner: Douglas E. Strickland, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Strickland:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 19, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue
Towson, MD 21204

48100

JANUARY 27, 1993

(410) 887-3353

Douglas and Mary Strickland
16 Othridge Road
Lutherville, Maryland 21093

Re: CASE NUMBER: 93-240-A (Item 247)
N/S Othridge Road, 140' E of c/o Purdy Court
16 Othridge Road
8th Election District - 4th Councilmanic
Petitioner(s): Douglas E. Strickland and Mary A. Strickland

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 7, 1993 (February 22, 1993 for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioners), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl Jahn
Arnold Jablon
Director

1-19-93
 Dear Mr. Schmidt
 On Dec. 23rd I received a letter from zoning that my satellite dish is in violation of zoning laws. When I called the inspector he informed me that a letter was sent to zoning, but it was sent by a concerned citizen (no name or return address). My satellite dish has been in this location for over two years. My neighbor Mr. Milstead at #18 Othoridge Rd. has told me the dish does not bother him at all & he will back me 100%. Mr. Milstead is most opposed to the dish and I will have him send a letter stating the dish does not bother him. I would also like to add that the trees that prevent my reception, when in bloom also hide the dish making it almost impossible to see unless you stop in front of my property to see it. I have also planted a Bradford Pear & a Southern Magnolia in front so that in passing you cannot see the dish. The photos you see are representative of the dish under its most incriminating view. "Naked Winter".

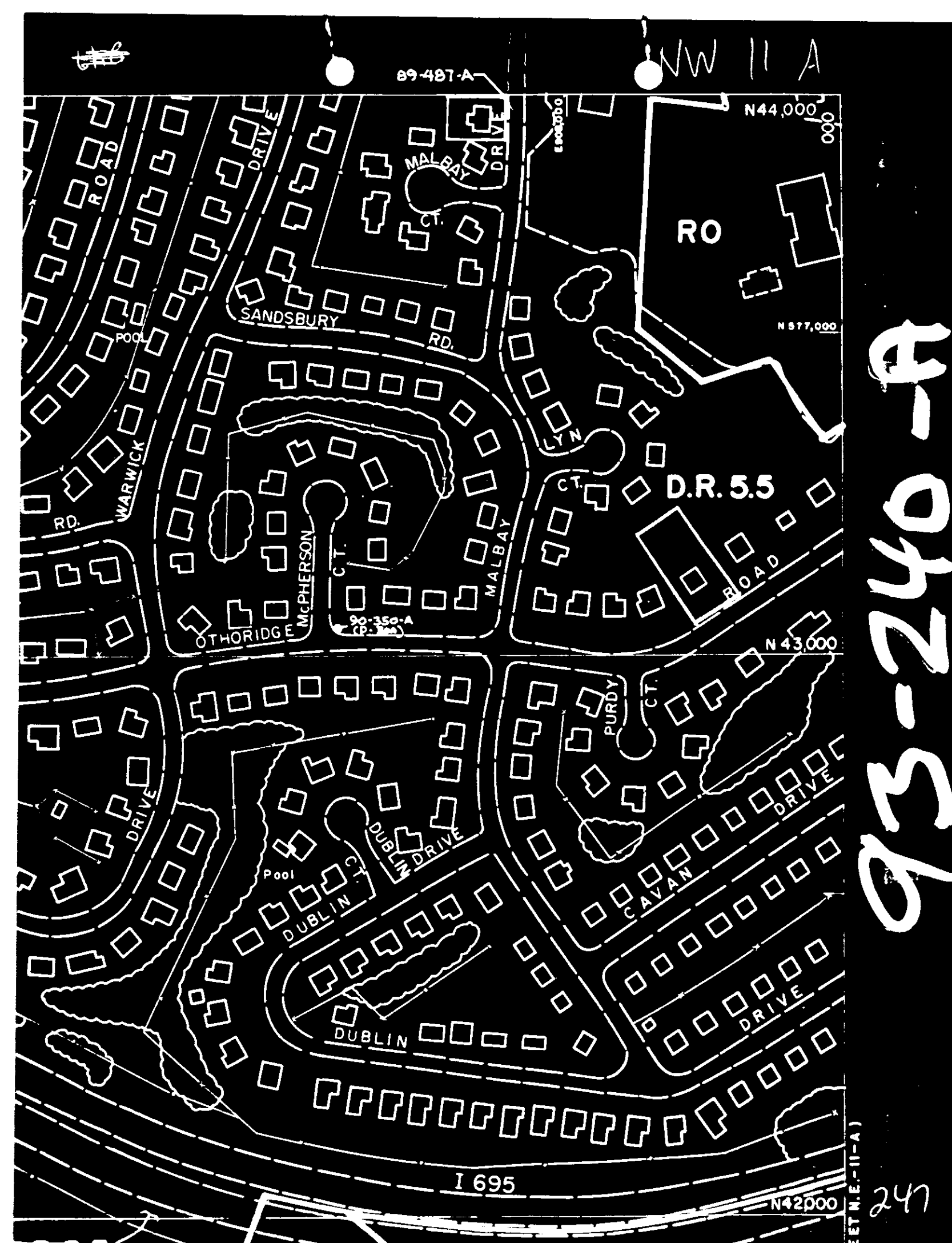
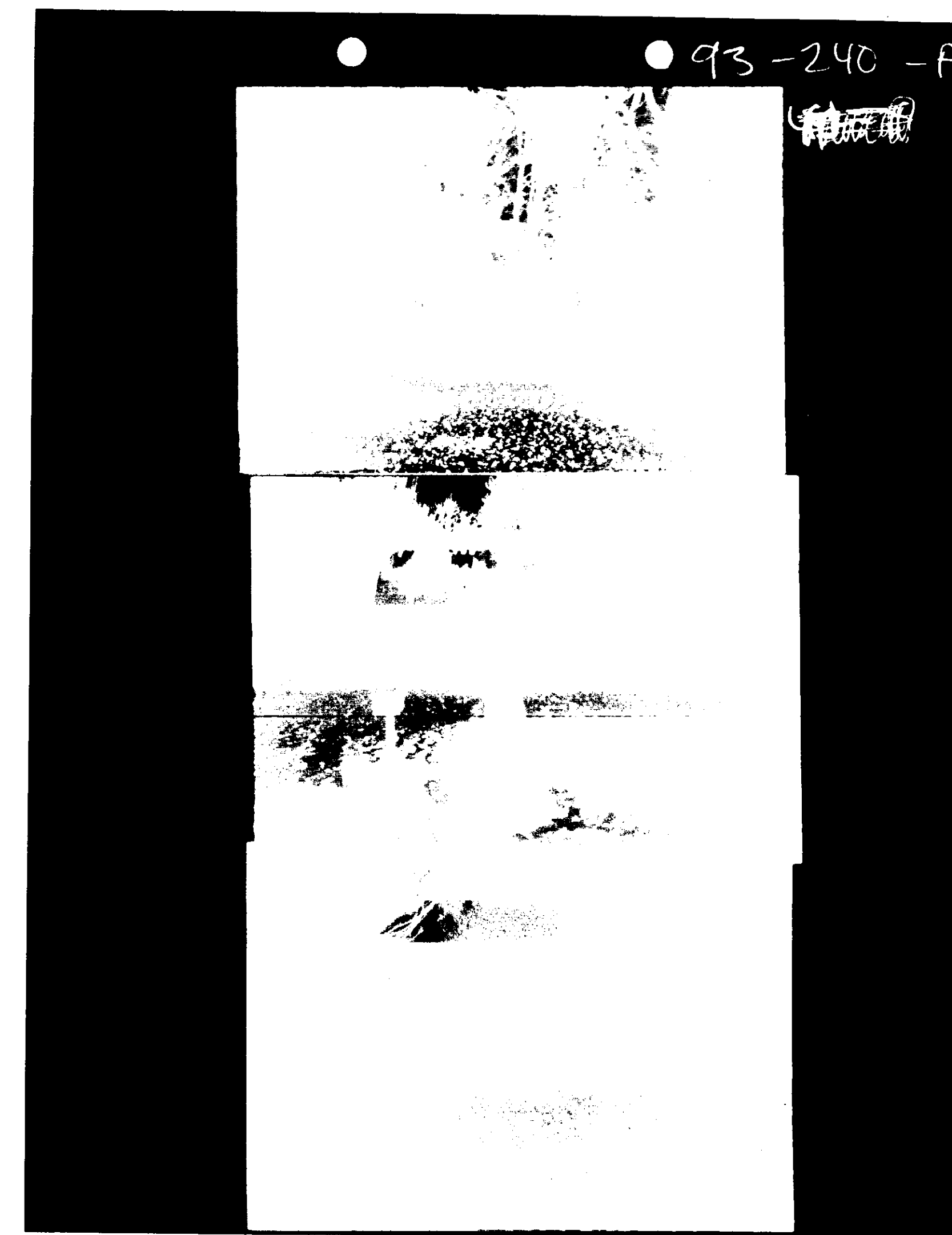
Thank you,
 Mary A. Strickland

247

93-240-A
 1/6/93
 93-451
 Dear Mr. Schmidt,
 I am writing on behalf of my neighbors. I live at 18 Othoridge Rd. next door to Mr & Mrs Strickland. They are in the process of trying to receive a variance for a satellite dish, Item 247. I would like to let you know that I am in favor of letting the dish remain in its present location. The dish has been there for two years and I don't have any complaints about it remaining there.

Thank you,
 Mary E. Milstead
 Thomas J. Milstead

RECEIVED
 FEB 9 1993
 ZONING OFFICE



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 16 OTHORIDGE RD.

Subdivision name: _____
 plat book: _____, lot: _____, section: _____

OWNER: Douglas & Mary Strickland

see pages 8 & 9 of the CHECKLIST for additional required information

93-240-A

North
 date: 1-19-93
 prepared by: MAS
 Scale of Drawing: 1" = 40'

LOCATION INFORMATION

Councilman's District: 4
 Election District: 8
 1"=200' scale map: MWII A
 Zoning: DR 5.5
 Lot size: 46 acreage 20,000 square feet

SEWER: ☒ WATER: ☒
 Chesapeake Bay Critical Area: ☐
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
 reviewed by: LG ITEM #: CASE#: 247

